

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 659 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

YOGESH G RAVAL

Versus

COMMISSIONER OF FOOD AND DRUGS CONTROL ADMINISTRATION

Appearance:

MR RC JANI for Petitioner

MR DA BAMBHANIA for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 09/07/98

ORAL JUDGEMENT

Rule.

Appeal filed by the petitioner before the Tribunal had been rejected by the order dt. 18/12/1997 on the ground that the petitioner failed to file a clear and specific appeal. It is contended by Mr. Jani that there are specific averments in the memo of appeal, and therefore, the Member of Tribunal was not right in not

entertaining the appeal. It appears that the appeal has not been properly drafted incorporating all the necessary facts and the grounds and also appraising claim of the relief. Ends of justice would meet, if the impugned order of the Tribunal dt. 18/12/1997 is set aside and liberty is given to the petitioner to amend the memo of appeal.

2. In view of the aforesaid, this Special Civil Application is allowed. The order of the Tribunal dt. 18/12/1997 is quashed and set aside. The petitioner may file a proper application for amendment in memo of appeal before the Tribunal within four weeks from today. If such an application is made, the same shall be considered afresh for admission. Rule is made absolute to the aforesaid extent.

(ccs)